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October 14, 2020

VIA ECF

The Honorable Vernon S. Broderick
United States District Court for the Southern District of New York
40 Foley Square
New York, NY 10007
BroderickNYSDChambers@nysd.uscourts.gov

Re: *Vale S.A. v. BSG Resources Limited*, No. 19-cv-3619

Dear Judge Broderick:

We collectively write on behalf of Petitioner Vale S.A. (“Vale”) and Richard Fleming, Mark Firmin and Carl Bowles in their capacity as joint administrators for BSG Resources Limited (in administration) (“BSGR”), (together, “New Joint Administrators” and together with Vale, the “Parties”) to provide the Court with an update on the pending discovery dispute before Your Honor per Your Honor’s memo endorsement on September 14, 2020, ECF No. 69.

As discussed in the joint letters filed before Your Honor on behalf of Vale and William Callewaert and Malcolm Cohen in their capacity as former joint administrators for BSGR (together, “Former Joint Administrators”), Vale served the Former Joint Administrators with discovery requests on June 26, 2020 (the “Discovery Requests”). After the Former Joint Administrators refused to comply with the Discovery Requests, Vale moved to compel the Former Joint Administrators to produce documents responsive to the Discovery Requests. *See* August 20, 2020 Joint Letter to Judge Broderick, ECF No. 55.

As Your Honor is aware, on September 8, 2020, the Guernsey court discharged the Former Joint Administrators, and appointed the New Joint Administrators. As a result, Vale then agreed to a 30-day extension to allow the New Joint Administrators an opportunity to get up

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to speed on the Discovery Requests and to give the parties an opportunity to discuss a resolution. See September 10, 2020 Joint Letter to Judge Broderick, ECF No. 57. In the last month, Vale and the New Joint Administrators have been meeting and conferring on the Discovery Requests. The New Joint Administrators are awaiting books and records and other documents from the Former Joint Administrators and, upon receiving such documents, will begin reviewing and producing responsive documents and information to comply with Vale's Discovery Requests.

Thank you for Your Honor's consideration.

Respectfully submitted,

/s/ Jeffrey A. Rosenthal

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